

REMARKS

Claims 1-44 are pending.

Claims 1-42 are subject to a restriction requirement.

Claims 6, 12, 16, 26, 32, 36 and 41 are currently amended for reasons unrelated to patentability.

Claims 43 and 44 are newly added. Claim 43 contains all the limitations of claims 1-6 and 8-19. Claim 44 contains all the limitations of claims 20-22, 31 and 32.

**THE OFFICE ACTION'S ELEVEN WAY RESTRICTION
REQUIREMENT:**

The Office Action has required restriction between the following allegedly distinct species:

Claims 1, 6, 7, 20, 26, 27 and 40-42 are generic.

Species 1: Claims 11-17 and 31-37

Species 1a: Claims 12 and 32

Species 1b: Claims 14 and 33

Species 1d: Claims 15-16, 34-35

Species 2(a-c): Claims 2-5, 18-19, 23-25, 38 and 39

Species 3: Claims 8 and 28

Species 4: Claims 9 and 29

Species 5: Claims 10 and 30

Species 6: Claims 21 and 22

The Office Action's restriction among at least 11 different species contains numerous typographical errors, and as a result, the Office Action's listing of species is difficult to interpret. For example, while the Office Action refers to

Species 1a-d, there is no identification or description of Species 1c. Further, Species 1b identifies claim 14 as being directed to a privilege “being applied to the game play at a time it is obtained,” but claim 14 contains no such limitation. Moreover, there is no identification of which claims of Species 2 correspond to Species 2a, 2b, or 2c. At the very least, Applicants respectfully request a new detailed listing of the species identified by the Office Action that corrects these errors. More importantly, however, Applicants believe that the requirement itself should be withdrawn because it would not be overly burdensome to search all the claims as amended, as Applicants demonstrate below.

APPLICANTS PROVISIONALLY ELECT OF SPECIES 1a WITH TRAVERSE

Applicants provisionally elect Species 1a **with traverse**. Applicants respectfully submit that serious burden has not been established. “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” MPEP 803.

Moreover, in electing Species 1a, the Examiner is required to examine generic claims 1, 6, 7, 20, 26, 27 and 40-42 and Species 1a claims 12 and 32 on the merits. Newly added claim 43 contains all the limitations of claim 12, and newly added claim 44 contains all the limitations of claim 32. Therefore, newly added claims 43 and 44 are also directed to Species 1a and must be examined on the merits.

Claim 43 also contains all the limitations of claims 1-6 and 8-19. Therefore, a search directed toward all the limitations of Species 1-5 in their entirety would not be burdensome because the limitations of claim 43 must be searched in any event. Similarly, Claim 44 contains all the limitations of claims 20-22, 31 and 32.

Therefore a search directed toward all the limitations of Species 1a and 6 would not be burdensome because the limitations of claim 44 must be searched in any event. Accordingly, examination of all of Applicants claims would not be burdensome because no further search would be required beyond the search required for Species 1a.

Applicant hereby respectfully requests examination and consideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

CONCLUSION

Applicant earnestly solicits claim examination and an indication of allowability at the Examiner's earliest convenience.

If there remain any questions regarding the present application, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Applicants' representative, at the Examiner's convenience.

Authorization to Charge Fees

A one-month extension of time is required in conjunction with this Response. Applicant authorizes that the fee associated with this extension be charged to Deposit Account No. 50-0271 and consider this a petition to that end.

Please charge any additional fees that may be required for this submission as follows:

Deposit Account: 50-0271

Order No. 02-010

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

May 19, 2008
Date

/Jerome DeLuca, Reg. No. 55,106/
Jerome DeLuca
Attorney for Applicant
Registration No. 55,106
Walker Digital Management, LLC
jdeluca@walkerdigital.com
(203) 461-7319 /voice
(203) 461-7300 /fax